

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

HYDRO-PHOTON, INC.,)	
a Maine Corporation)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-11240 GAO
)	
MERIDIAN DESIGN, INC.,)	
a California Corporation)	
)	
Defendant)	

ASSENTED TO MOTION TO EXTEND DISCOVERY SCHEDULE

Hydro-Photon, Inc. (“Hydro-Photon”), by and through its attorneys, respectfully moves this Court to extend the current discovery schedule by 29 days to September 28, 2007. In support of this Motion, Hydro-Photon states as follows:

1. On April 30, 2007, this Court set a discovery schedule such that discovery closes on August 30, 2007.

2. The parties have been actively pursuing discovery. For example, on July 25, 2007, Hydro-Photon began its deposition of corporate representatives of Meridian Design, Inc. (“Meridian”) pursuant to Federal Rule of Civil Procedure 30(b)(6) and is prepared to take the deposition of John Andrews, former Chief Executive Office of Meridian. Likewise, on July 30, 2007, Meridian gave notice that it intends to take the depositions of Miles Maiden and, pursuant to Federal Rule of Civil Procedure 30(b)(6), designated corporate representatives of Hydro-Photon. On July 30, 2007, Meridian also served Requests for Admission and additional Interrogatories on Hydro-Photon.

3. The parties have also been actively pursuing settlement opportunities. For example, on August 21, 2007, counsel for Hydro-Photon contacted counsel for Meridian to discuss draft

terms of a settlement agreement. On August 24, 2007, Meridian's counsel responded to Hydro-Photon's offer by submitting a competing version of the settlement agreement.

5. To avoid prejudice to the parties' right to complete discovery, and in light of the parties' on-going efforts to settle this matter, Hydro-Photon is seeking a 29 day extension of the current discovery schedule such that discovery will close on September 28, 2007. Neither party shall seek additional written discovery.

WHEREFORE, Hydro-Photon respectfully requests that this Court enter an order granting this Assented to Motion to Extend the Discovery Schedule, and for whatever such other relief this Court deems appropriate.

Certification Pursuant to Local Rule 7.1

On August 27, 2007, Daniel Crowe, counsel for Hydro-Photon, spoke with Christopher Centurelli, counsel for Meridian, via telephone to discuss this motion. Mr. Centurelli informed Mr. Crowe that Meridian assents to entry of the 29 day extension of the discovery schedule requested via this Motion.

Dated: August 27, 2007 Hydro-Photon, Inc.

/s/ Kevin Gannon
By Its Attorneys,

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Attorneys for Hydro-Photon, Inc.

Certificate of Service

I hereby certify that on August 27, 2007, I served a true and correct copy of the foregoing Assented to Motion to Extend Discovery Schedule upon on **Meridian Design, Inc.**'s counsel of record, as follows, electronically via the Case Management/Electronic Case Filing System ("CM/ECF").

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